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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,235	03/26/2004	Mario Spatafora	U 015109-7	9021
140	7590	07/12/2006	EXAMINER	
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			KIM, SANG K	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/811,235

Applicant(s)

SPATAFORA, MARIO

Examiner

SANG KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-5 and 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4-5 and 9-10 are indefinite and vague. What constitutes "sufficient to unwind?"

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

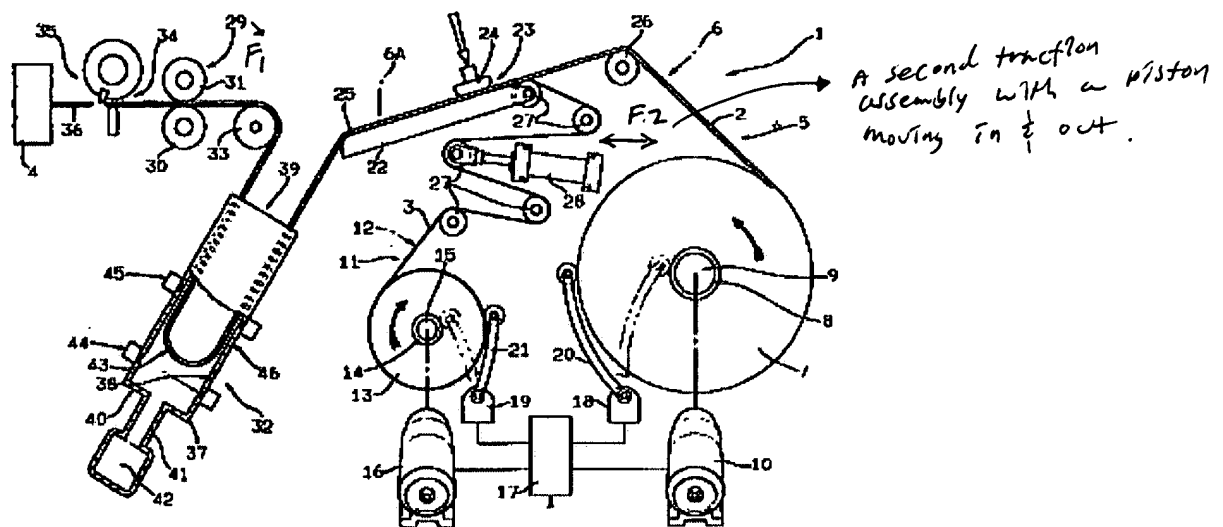
Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0703149 A1.

With respect to claim 1, EP '149 shows a device for feeding a continuous strip 2, a tear ribbon 3, a user machine 4, two reels 1, 13 with shafts 9, 15, first and second guides 26, 27 with respective paths 6, 12, a joining station 23 to form a composite strip 25, a traction assembly 29 to transmit a first pulling force (see illustration below, F1) and a second pulling force (see illustration below, F2) using a second traction assembly 27, 28 arranged between the reel 13 for the tear ribbon and the jointing station 23, on a

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portion of the tear ribbon extending between its respective said reel 13 and the joining station 23, see illustration below.

With respect to claim 6, the method described in these claims would inherently result from the use of invention of reference used as advanced above.



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0703149 A1, in view of Terranova et al., U.S. Patent No. 6623412 B2.

With respect to claims 7-10, EP '149 uses an actuator 28 and the pulley 27 to create a tension on the web by varying the length of the path, which prevents any slack or wrinkling of the web. However, applicant's claimed invention uses drive means 29 for applying additional torque to said pulley 28, which prevents any slack or wrinkling of the web.

Terranova '412 shows using another drive means 50a for applying additional torque to the roller 48, which would prevent wrinkling of the web from the roll 42 to roller 48 during unwinding.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of EP '149 with another drive means to create additional torque as taught by Terranova '412, to prevent slack or wrinkling of the web during unwinding.

With respect to claims 2-5, the method described in these claims would inherently result from the use of invention of reference used as advanced above.

Response to Arguments

Applicant's arguments filed on 6/9/06 have been fully considered but they are not persuasive with respect to claims 1-10. The drawing illustrated above is to show the applicant which element is considered to be a second traction assembly.

Applicant argues that the EP '149 device using the actuator 28 with respective diverting roller 27 cannot be considered as a second traction assembly for exerting a pulling force on a portion of the tear ribbon. Applicant argues that the EP '149 device

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uses the actuator 28 and the roller 27 for varying the length of path with substantially no tension being applied to tear strip, as explained in column 2, lines 31-35, and column 3, lines 17-28.

Examiner agrees with the applicant that the EP '149 device uses the actuator 28 with respective diverting roller 27 to vary the length of path with substantially no tension being applied to tear strip. However, the examiner disagrees with the applicant's assessment that the EP '149 device using the actuator 28 with respective diverting roller 27 cannot be considered as a second traction assembly.

The reference EP '149 uses the actuator 28 to vary the length of path to the tear strip by actuating the piston in and out. A second force is generated by moving the piston in and out, causing the web to vary the length as it goes into the joining station, thus, the actuator 28 with the roller 27 can be considered as a second traction assembly which can exert a force onto the web.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

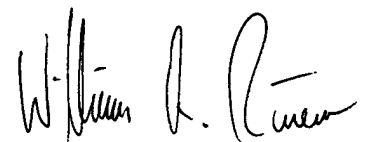
Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

7/5/06

A handwritten signature in black ink, appearing to read 'William A. Rivera', is written over a horizontal line.

WILLIAM A. RIVERA
PRIMARY EXAMINER